

20427 U.S. PTO  
031504

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Samuel Achilefu, Raghavan Rajagopalan,  
Richard B. Dorshow, Joseph Bugaj,  
Muthunadar P. Periasamy

Atty. Docket: MRD / 64CP

Title: Receptor-Avid Exogenous Optical Contrast and Therapeutic Agents

22581 U.S. PTO  
10/800531  
031504

**CERTIFICATE OF MAILING BY EXPRESS MAIL - 37 CFR 1.10**

'Express Mail' mailing label number: EV371412334US  
Date of Deposit: March 15, 2004

I certify that this paper or fee (along with the enclosures noted herein) is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the above date and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Beverly A. Lyman*

By: Beverly A. Lyman, Ph.D. (person mailing paper)

**UTILITY PATENT APPLICATION TRANSMITTAL**

*Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450*

This is a request for filing, under 37 CFR § 1.53(b), a(n):

- ☐ Original (non-provisional) application.
- ☐ Divisional of prior application Serial No. \_\_, filed on \_\_.
- ☐ Continuation of prior application Serial No. \_\_, filed on \_\_.
- ☒ **Continuation-in-part of prior application Serial No. 09/864,011, filed on May 23, 2001.**

For Divisional and Continuation applications ONLY:

- ☐ Copy of Executed Declaration, Power of Attorney and Petition Form from parent application is enclosed (as noted below in Enclosures).
- ☒ **Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.**

For all Divisional, Continuation and Continuation-in-part applications:

- ☐ Small Entity Status was requested in the prior application, and small entity status is still proper and desired.
- ☐ This application is assigned to \_\_ by virtue of an earlier assignment filed in the prior application at Reel \_\_, Frame \_\_.

**PRELIMINARY AMENDMENT/CALCULATION OF FEES**

- ☐ Please cancel claims \_\_ without prejudice, and prior to calculating the fees. \_\_ total claim(s), of which \_\_ is(are) independent, is(are) pending after the amendment.
- ☐ Please enter the enclosed preliminary amendment identified below prior to calculating the fees. \_\_ total claim(s), of which \_\_ is(are) independent, is(are) pending after the amendment.

☐ Small Entity Status is Requested

☒ The Fees are Calculated as Follows:

Fee:	Number of Claims:	In Excess of:	Extra:	At Rate:	Amount:
Total Claims	44	20	24	\$18	\$432.00
Independent Claims	8	3	5	\$86	\$430.00
MULTIPLE DEPENDENT CLAIM FEE					
BASIC FEE					\$770.00
TOTAL OF ABOVE CALCULATIONS					\$1,632.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY					
TOTAL					\$1,632.00

**ENCLOSURES**

☒ Utility Patent Application Transmittal Form (in duplicate) containing Certificate of Mailing By Express Mail Under 37 CFR 1.10.

☒ Return Postcard.

APPLICATION PAPERS

☒ Utility Patent Application, with: cover sheet, 72 page(s) specification (including 44 total claim(s), of which 8 is(are) independent, and 1 page(s) abstract).

☒ Drawings: 14 sheet(s) of formal drawings ( 23 total figure(s)).

☐ Microfiche Computer Program (Appendix).

☒ Nucleotide and/or Amino Acid Sequence, including (all are necessary): Computer Readable Copy, Paper Copy (identical to computer copy), and Statement verifying identity of copies.

☒ An Unsigned Declaration, Power of Attorney and Petition Form.

☐ Copy of Executed Declaration, Power of Attorney and Petition Form from prior application identified above.

☐ Certified Copy of priority document(s) identified as attached above.

ADDITIONAL PAPERS

☐ Assignment to \_\_, Recordation Cover Sheet (Form PTO-1595)

☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)

☐ Preliminary Amendment (to be entered prior to calculation of fees)

☐ Information Disclosure Statement, \_\_ sheet(s) Form PTO-1449, \_\_ U.S. Patent Reference(s), \_\_ Foreign Patent Reference(s) and \_\_ Other Reference(s)

☒ Other: **Petition Under 37 CFR 1.84(a)(2)**

☒ Other: **Statement Under 37 CFR 1.821 (e & f)**

CHECKS

☐ A Check of \_\_ for the filing fee.

☐ A Check of \_\_ for the assignment recording fee.

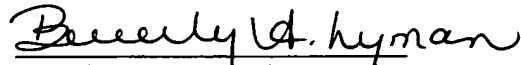
**DEPOSIT ACCOUNT AUTHORIZATION**

- ☒ Please charge Deposit Account No. 23-3000 in the amount of \$1,632.00 for the application filing fee and \$130.00 for the Petition fee.
- ☒ The Commissioner is authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 23-3000. A duplicate of this transmittal is attached.
- ☐ THE PAYMENT OF FEES IS BEING DEFERRED.
- 

Respectfully Submitted,

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BAL/jaw

  
Beverly A. Lyman, Ph.D.  
Reg. No. 41,961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Achilefu et al.  
Application No: Unknown  
Filed: March 15, 2004  
Title: **Receptor-Avid Exogenous Optical Contrast and  
Therapeutic Agents**  
Art Unit: Unknown  
Examiner: Unknown  
Atty. Docket No: MRD-64CP

Cincinnati, OH 45202

March 15, 2004

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 CFR § 1.84(a)(2)**

Applicants hereby file this Petition Under 37 CFR § 1.84(a)(2) and request acceptance of the color photographs (three sets of Figures 7A-F, 8A-B, 9A-B, 10, and 11) attached hereto. Applicants submit that these color photographs are necessary to enhance the quality of Figs. 7A-11. (See the black and white copy, also attached.)

The Examiner is authorized to charge \$130.00, as set forth under 37 CFR § 1.17(h), and any additional fee or surcharges deemed due, to Deposit Account No. 23-3000.

03/17/2004 HLE333 00000075 233000 10800531

04 FC:1460 130.00 DA

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: Beverly A. Lyman  
Beverly A. Lyman  
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